

Application Serial No. 10/525,902
Reply to Office Action of January 14, 2009

PATENT
Docket: CU-4101

REMARKS

In the Office Action, dated January 14, 2009, the Examiner states that Claims 1, 5, 7-10 and 16-18 are pending and rejected. By the present Amendment, Applicant amends the claims.

Rejections under 35 U.S.C. §103(a)

Claims 1, 5, 7, 9-10 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robson (US 2003/0148895) in view of Emert (US 5,498,809) and Shanklin (US 6,008,165). Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Robson in view of Emert, Shanklin, and Curtis (US 2003/0220209). Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Robson in view of Emert, Shanklin, and Igarashi (US 5,912,212). Claims 1 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robson in view of Shanklin and Papay (US 5,652,201). Applicant respectfully disagrees with and traverses these rejections.

At the outset, Applicant indicates that the transitional phrases in independent Claims 1, 9 and 10 have been amended to recite "consisting of" and thus excluding components that are not recited in the respective claims.

The primary reference, Robson, teaches lubricating oil compositions. At a minimum, the composition includes an oil of lubricating viscosity, a boron-containing additive, a molybdenum-containing additive (see paragraph [0043]), and one or more co-additives. Paragraph [0044] teaches that a combination of a boron-containing additive and a molybdenum-containing additive provides improved friction-reducing and anti-oxidancy performance to the oil composition. This reference defines, as co-additives, boron-containing additives (see the Examples listed in the Tables explaining that the boron is derived from a borated dispersant).

Applicant respectfully asserts that Robson teaches away from the amended claims. Specifically, independent Claims 1, 9 and 10 have been amended to specify that the compositions recited therein do not include a molybdenum-containing additive. Although, the specification teaches a friction modifier that can be molybdenum dithiocarbamate, the friction modifier feature has been excluded from the independent claims. As previously mentioned, Robson teaches that a combination of boron-containing additive and molybdenum-containing additive provides improved friction-reducing and anti-oxidancy performance to the oil

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composition. As such, Robson provides a teaching or motivation to include a molybdenum-containing additive in the oil composition and teaches away from excluding such a component.

Also as previously mentioned, the compositions of Robson include a borated dispersant but the composition of the rejected claims includes a non-borated bis succinimide. In this respect, Applicant respectfully asserts that Robson again teaches away from the amended claims.

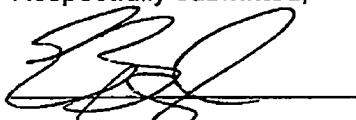
In view of the foregoing, Applicant respectfully asserts that even if the prior art teaches what is stated in the present Office Action, and even if it was combined with Robson as suggested, the resulting combination would still include a composition including a molybdenum-containing additive. Further, it would include a composition including a borated dispersant.

As such, Applicant respectfully asserts that currently amended independent Claims 1, 9 and 10 should not be rejected under 35 U.S.C. §103(a) over the cited prior art. Since independent Claims 1, 9 and 10 are allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

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Date

Respectfully submitted,



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